IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No. 1648 of 2005

Between:

1. State of A.P., rep., by its Principal Secretary to Government,

Revenue Department, Secretariat Buildings,
Hyderabad-22.
2. State of A.P., rep., by its Chief Secretary, General Administration Department,
Secretariat, Hyderabad-22.
3. Chief Commissioner of Land Administration, A.P.Hyderabad.

..... PETITIONERS

AND

1. M. Surender Reddy, Unemployee, r/o Hyderabad.
2. K. V. Naga Ramesh, Associate Lecturer, Government Polytechnic College,

Ongole.
3. Andhra Pradesh Public Service Commission, rep., by its Secretary,

Gruhakalpa, Hyderabad-500 001.

4. S. Sekhar, S/o late Kondaiah, aged about 35 years,

Commercial Tax Officer (ISI), O/o Commissioner of

Commercial Taxes, 3rd floor, C.T. Complex, Opposite to Gandhi Bhavan,

Nampally, Hyderabad.

(Respondent No.4 is impleaded as per Court order in

W.P.M.P.No.2432 of 2005, dated 15.3.2005)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature of "*Writ of Certiorari*" calling for the records pertaining to the common orders passed in O.A.No.3011/1996 on the file of Hon'ble A.P.A.T. Hyderabad dated 26-08-2003 and quash the same as illegal and arbitrary and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondent No.3: M. Vijayakumar

Counsel for the Respondent No.4: MR.NUTY RAM MOHAN RAO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the Government assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.3011 of 1996, dated 26.08.2003.

2. The matter relates to recruitment to the posts of Group-I Services, which includes Deputy Collectors. In the year 1997, the A.P. Public Service Commission has notified for recruitment of Group-I services in notification No.4/95. However, one S. Sekhar, applicant in O.A.No.5072 of 1996 was selected and posted as Commercial Tax Officer and one V. Karuna Priya, who is one of the applicant in O.A.No.5127 of 1996 was selected and appointed as District Panchayat Officer. The grievance of the petitioners before the Tribunal was that the posts of Deputy Collectors were arose, that they are the meritorious than the other candidates and that therefore they sought to be appointed as Deputy Collectors. The Tribunal, after considering the matter, disposed of the said O.A. with the following directions:

> "On a careful considerations of the submissions made by both sides and on a perusal of the material on record including the judgments relied upon by the learned counsel for the applicants, a direction is given in all these O. As to arrive at substantive vacancies and depending upon the number of vacancies available in the ratio of 1:2 among direct recruitees and promotees, a figure

has to be arrived as on the date of issuing the Advertisement No.4/95. The argument that subsequent vacancies, which may arise in future should also be taken into account while filling up the posts cannot be accepted. So, taking up the substantive vacancies that are available after adjusting the excess quota filled up by direct recruitees, the remaining number of vacancies have to be filled up with the candidates selected in the final examination as per their merit, following Rule 22 of the General Rules and take appropriate action in the matter within a period of three months from today and even if they are selected their service shall be reckoned from the date of recruitment which comes into effect as per Advertisement No.4/95 and monetary benefit should be given subsequently to the date of appointment. This relief is confined to the applicants in these O. As only as was done in the judgment of the Apex Court stated supra. All the O. As are accordingly, disposed of. No costs."

Aggrieved by the said order, the present writ petition has been filed.

2. The learned Government Pleader submits that the vacancies were arose consequent on the directions of the Tribunal and it is found that 13 posts of Deputy Collectors are required to be included in the notification 4/95. However, the case of the petitioners has to be considered for the aforesaid vacancies while coming up for consideration for posting as Deputy Collectors.

3. We have heard the learned counsel for the respondents, Sri Nuty Rammohan Rao.

4. Inasmuch as 13 posts arose and only two candidates are available and found to be meritorious, they could not be appointed.

4. Under these circumstances, we are not inclined to interfere with the order passed by the Tribunal. But, however, it is made clear that the persons, who are appointed in pursuance of the order of the Tribunal shall be given seniority only from the date of their appointment and they shall not claim any benefits prior to the date of appointment in the cadre of Deputy Collectors.

5. With the above directions, the writ petition is dismissed. However, the Government shall take appropriate steps in pursuance of the orders of the Tribunal, as early as possible, preferably within a period of four months from the date of receipt of a copy of this order. No order as to costs.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 28.02.2005.

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to Government,

Government of A. P.

Revenue Department, Secretariat Buildings,
Hyderabad-22.

2. The Chief Secretary, Government of A.P.

General Administration Department,
Secretariat, Hyderabad-22.

3. The Chief Commissioner of Land Administration, A.P. Hyderabad.

4. The Assistant Registrar, A.P. Administrative Tribunal, Hyderabad.

4. 2 C. Cs to G.P. for Services II, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

6. The Secretary, A.P. State Public Service Commissioner, Gruhakalpa, Hyderabad.

7. The Registrar, A.P. Administrative Tribunal, Hyderabad.

Form-NIC-OGS/WP{*RS****}***